

## REMARKS

Claims 1-5, 7-11, and 13-20 are pending in the application, of which Claims 1, 10, and 16 are independent. In the Office Action, Claims 1-5, 7-11, and 13-20 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In addition, Claims 1-5 and 7-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Claims 1, 2, 4, 5, 7-11, 13, and 15-21 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,283,033, issued to Dodrill, (hereinafter "Dodrill") in view of U.S. Patent No. 6,177,048, issued to Lagerstedt (hereinafter "Lagerstedt"). Further, Claims 3 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dodrill in view of Lagerstedt, in further view of U.S. Patent No. 4,667,454, issued to McHenry (hereinafter "McHenry").

### Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-5, 7-11, and 13-20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner points to the limitation recited in independent Claims 1, 10, and 16 wherein the pressure schedule comprises "a plurality of predetermined control pressure values, each control pressure value corresponding to a control temperature value included in the temperature schedule and being less than a theoretical pressure based on the corresponding control temperature value." The Examiner asserts that "the subject matter of the claims still requires further clarification as to how the control pressure within the vessel can be less than the theoretical pressure" and supports this assertion as follows:

Thus, although the actual control pressure could be lowered below the theoretical value, the theoretical pressure at that instant when the control

pressure is reduced would also be adjusted so that the theoretical and control pressure would still be equal. Although it is understood that a pressure regulator could reduce the pressure inside the vessel by removing air from the vessel, the theoretical pressure, as stated in the claims, would also have changed based on the presence of less air in the vessel, thus making the actual pressure in the vessel and the theoretical pressure equal. (Office Action at page 3).

Applicant notes that the specification, referring to TABLE II, defines the theoretical pressure in the vessel ("P<sub>tot</sub>") as follows:

The third column, labeled "P<sub>vapor</sub>", is the theoretical vapor pressure according to known steam saturation data for the corresponding temperature. The fourth column, labeled "P<sub>air</sub>", is the theoretical partial air pressure within the vessel, *starting at 130°C to obtain 5.8 bar absolute pressure and corrected for pressure reduction according the general gas law, as a function of temperature*. The fifth column, labeled "P<sub>tot</sub>", is the theoretical total pressure related to temperature, i.e., the sum of P<sub>vapor</sub> and P<sub>air</sub>. The sixth column, labeled "P<sub>vessel</sub>", is the set point for pressure control in the vessel. (Emphasis added)(Specification at page 7, lines 8-15).

Claims 1, 10, and 16 are presently amended to recite that each pressure in the pressure schedule is "less than a theoretical total pressure related to temperature based on the corresponding control temperature value." As shown above, the value of the "theoretical total pressure related to temperature" is clearly defined in the specification as the sum of P<sub>vapor</sub> and P<sub>air</sub>, wherein P<sub>air</sub> is "the theoretical partial air pressure within the vessel, starting at 130°C to

obtain 5.8 bar absolute pressure and corrected for pressure reduction according the general gas law, as a function of temperature" Thus, applicant respectfully asserts that the theoretical total pressure related to temperature recited in presently amended Claims 1, 10, and 16 are defined such that changes in the amount of air inside the vessel are discounted. As a result, the theoretical total pressure related to temperature would not change due to the presence of less air in the vessel as asserted by the Examiner. Accordingly, applicant respectfully submits that one of ordinary skill in the art would be enabled by the teachings of the application as filed to practice the invention without undue experimentation.

In view of the above-noted amendments and remarks, applicant respectfully submits that subject matter recited in Claims 1-5, 7-11, and 13-20 is fully enabled by the specification as filed. Accordingly, applicant respectfully requests that the rejection of Claims 1-5, 7-11, and 13-20 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-5 and 7-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts that the limitation "the control temperature within the vessel," recited in Claim 1, lacks antecedent basis. Applicant respectfully submits that Claim 1, as presently amended, provides proper antecedent basis to the recited limitations. Accordingly, applicant respectfully requests that the rejection Claims 1-5 and 7-9 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-2, 4-5, 7-11, 13 and 15-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dodrill in view of Lagerstedt. Further, Claims 3 and 14 stand rejected under

35 U.S.C. § 103(a) as being unpatentable over Dodrill in view of Lagerstedt, in further view of McHenry.

Dodrill teaches controlling the temperature and pressure in the vessel according to a measured temperature and a calculated pressure inside the container. In the Office Action, the Examiner asserts that the control temperature (in the container) is "a basis for determining the control pressure for the vessel since it is used to calculate the pressure of the container." The Examiner further asserts that "this provides motivation to one having ordinary skill in the art that temperature and pressure values would have been calculated for the container, and thus the vessel, in order to determine the corresponding vessel temperature and pressure that would have prevented deformation of the package." Thus, the Examiner's position appears to rely on the proposition that measuring temperature and calculating pressure *inside the container* to determine a temperature and pressure schedule *in the vessel*, as taught by Dodrill, would naturally lead one of skill in the art to set temperature schedule and pressure schedule in the vessel in the manner of Claims 1-2, 4-5, 7-11, 13 and 15-20. Applicant respectfully disagrees.

#### Claim 1

In order to further distinguish Claim 1 from the teachings of Dodrill, as interpreted by the Examiner, Claim 1 is presently amended to more clearly recite that the control temperature and control pressure used to regulate the interior conditions of the vessel are "within the vessel and outside of the closed container." Thus, unlike Dodrill, which teaches controlling the vessel pressure according to a *measured temperature from inside the container*, the method of Claim 1 includes controlling the pressure within the vessel according to a "pressure schedule comprising a plurality of predetermined control pressure values, each control pressure value corresponding to a control temperature value included in the temperature schedule and being less than a theoretical total pressure related to temperature based on the corresponding control temperature

value," wherein the control temperature and a control pressure used to regulate the interior conditions of the vessel are "within the vessel and outside of the closed container."

Applicant respectfully submits that when armed with the teachings of Dodrill, one of ordinary skill in the art would find no apparent reason to control the pressure within the vessel in the manner of Claim 1. More specifically, such a person would find no apparent reason to modify the pressure schedule of Dodrill so that each of the control pressure values 1) corresponds to a control temperature value within the vessel and outside of the closed container rather than a measured temperature value within the container and 2) is less than a theoretical total pressure related to temperature based on the corresponding control temperature value within the vessel and outside of the closed container.

For at least the foregoing reasons, applicant respectfully submits that Claim 1 is allowable over a theoretical combination of Dodrill and Lagerstedt. Accordingly, applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 103(a) be withdrawn. If Claim 1 is allowed, then Claims 2-5 and 7-9, which depend therefrom, should also be allowed.

#### Claims 10 and 16

Similar to Claim 1, Claims 10 and 16 are presently amended to recite that the control temperature and a control pressure used to regulate the interior conditions of the vessel are "within the vessel and outside of the closed container." Thus, for at least the reasons cited with regard to Claim 1, applicant respectfully submits that Claims 10 and 16 are allowable over a theoretical combination of Dodrill and Lagerstedt. If Claim 10 is allowed, then Claims 11 and 13-15, which depend therefrom, should also be allowed. Further, if Claim 16 is allowed, then Claims 17-20, which depend therefrom, should also be allowed.

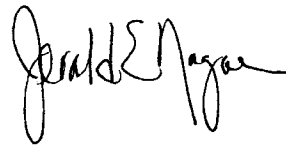
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Closure

In view of the foregoing amendments and remarks, applicant respectfully submits that Claims 1-5, 7-11, and 13-20 in condition for allowance. An early and favorable action allowing these claims is respectfully solicited. The Examiner is invited to contact the undersigned by telephone at 206.695.1705 with any questions or concerns regarding this matter.

Respectfully submitted,

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